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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,404	04/10/2006	Mark Alan Graham	7175-74604	9358
23643 7590 01/27/2009 BARNES & THORNBURG LLP 11 SOUTH MERIDIAN INDIANAPOLIS, IN 46204				
EXAMINER				
BAXTER, GWENDOLYN WRENN				
ART UNIT		PAPER NUMBER		
3632				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

indocket@btlaw.com

Office Action Summary

Application No.

10/575,404

Applicant(s)

GRAHAM ET AL.

Examiner

Gwendolyn Baxter

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-14 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9-14, 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

This is the second Office action for application serial number 10/575,404, Patient Care Equipment Support System, filed April 10, 2006.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 03-151971 to Katsuyoski in view of U.S. Patent No. 5,678,267 to Kinder. The present invention reads on Katsuyoski as follows: Katsuyoski teaches an apparatus comprising a rail (3), carriage (5a, 5b), and lock (15). The rail is configured to be coupled to a support structure (1). The carriage is coupled to the rail for movement along the rail. The carriage is configured to support the patient care equipment rack (11). The support structure comprises one of a hospital bed, a stretcher, a surgery table, an ambulatory care chair, a stand, a service column, a cart, a wall in a hospital room and a headwall. The patient care equipment rack comprises one of an IV pole and a rack (11) adapted to carry infusion equipment. The frame has a first end, a second end, a first side, a second side, and the rail extends substantially along one of the first end, the second end, the first side or the second side between the two corners. The carriage comprises a roller (8) rollably engaging the rail. However, Katsuyoski fails to teach the rail having a plurality of locking portions spaced there along, wherein a

portion of the lock disengages from the selected one of the locking portions to allow the carriage to move along the rail.

Kinder teaches a lockable slidable carriage (14) movable along a rail (12). The rail has a plurality of locking portions (32) spaced there along. The lock (16) is coupled to the carriage and movable between a locking position where a portion of the lock engages a selected one of the locking portions to block the carriage from moving along the rail and an unlocking position where the portion of the lock disengages from the selected one of the locking portions to allow the carriage to move along the rail. The locking portions in the rail comprise lock-receiving spaces (32). The lock comprises a pin (30) configured for reception in a selected one of lock-receiving spaces in the rail. The pin is biased toward the locking position by a spring (36). The pin comprises a pull knob (38). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the lock as taught by Katsuyoski to have incorporated the lock as taught by Kinder, as a mere substitution of functionally equivalent parts for the purpose of locking the carriage along the rail at prescribed locations there along.

Claims 13, 14, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyoski in view of Kinder, as applied to claims 1-6 and 9, and in further view of U.S. Patent No. 5,306,109 to Kreuzer. Katsuyoski in view of Kinder teaches the limitations of the base claim, excluding the socket having a first and second taper angles and a post engaging both the first and second portions of the taper surface.

Kreuzer teaches a post (4) and socket (18). A tapered surface of the upwardly opening socket (18) comprises a first portion having a first taper angle (the portion near 32) and a second portion having a second taper angle (the portion near 30). The second taper angle is smaller than the first taper angle. The post (4) engages both the first portion and the second portion of the taper surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the socket and post as taught by Katsuyoski in view of Kinder to have incorporated the shape of the post and socket as taught by Kreuzer for the purpose to assist registration of the components when not perfectly aligned.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsuyoski in view of U.S. Patent No. 5,678,267 to Kinder, as applied to claims 1-6 and 9 above, and further in view of U.S. Patent No. 1,868,304 to Cargill. Katsuyoski in view of Kinder teaches the limitations of the base claim, excluding the raised track portion and a roller has a circumferential groove.

Cargill teaches a rail (3) having a raised track portion, and a carriage (9). A roller (10) has a circumferential groove which rides along the raised track portion. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modified the track and roller as taught by Katsuyoski in view of Kinder to have incorporate the raised portion of the track and roller as taught by Cargill as a mere substitution of functionally equivalent part for the purpose of the roller bearing upon the upper edge of the rail so that carriage would depend therefrom.

Claims 17-19, 21 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,802,636 to Corbin in view of JP 3-151971 to Katsuyoski and in further view of U.S. Patent No. 5,306,109 to Kreuzer. Corbin teaches a patient support comprising a lower frame (12), an upper frame (14) and rail (26). The upper frame is supported above the lower frame and movable relative to the lower frame between a raised position and a lowered position. The upper frame has a first end, a second end, a first side, a second side and four corners. The rail is coupled to the upper frame. The rail extends substantially along one of the first end, the second end, the first side and the second side of the upper frame between two of the four corners. A deck (16) is supported above the upper frame, wherein the upper frame includes a frame member configured to extend horizontally beyond the periphery of deck between the two corners of the upper frame and the rail is coupled to the frame member. However, Corbin fails to teach a carriage.

Katsuyoski teaches an apparatus comprising a rail (3), a carriage (5) and a lock (14, 15). The rail is configured to be coupled to a support structure (1). The rail has a plurality of locking portions spaced there along. The carriage is coupled to the rail for movement along the rail. The carriage is configured to support the patient care equipment rack (11b). The lock is coupled to the carriage and movable between a locking position and an unlocking position. The carriage comprises an upwardly opening socket (13). The patient care equipment rack (11b) comprises a downwardly extending post (not numbered) configured for reception in the socket. It would have been obvious to one having ordinary skill in the art at the time the invention was made

to have modified the patient support as taught by Corbin to have incorporated the carriage, rail and lock as taught by Katsuyoski for the purpose of transporting, raising and lowering the patient care equipment as needed.

Corbin in view of Katsuyoski teaches the limitations of the base claim, excluding the socket having a first and second taper angles and a post engaging both the first and second portions of the taper surface. Kreuzer teaches a post (4) and socket (18). A tapered surface of the upwardly opening socket (18) comprises a first portion having a first taper angle (the portion near 32) and a second portion having a second taper angle (the portion near 30). The second taper angle is smaller than the first taper angle. The post (4) engages both the first portion and the second portion of the taper surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the socket and post as taught by Corbin in view of Katsuyoski to have incorporated the shape of the post and socket as taught by Kreuzer for the purpose to assist registration of the components when not perfectly aligned.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gwendolyn Baxter/
Primary Examiner, Art Unit 3632
January 13, 2009